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Citizenship Rights: Statuses, Challenges and Struggles*

Abstract: Citizenship seems to be inextricably associated with rights, although the scope of citizenship rights has evidently varied across time and space. A rather simplistic belief in the constant enlargement of citizenship rights in liberal democracies made many perceive cultural and identity rights as yet another historic layer of citizenship rights. What is at stake today, however, is a new dynamic between these different bundles of rights in the face of new realities at a global scale that over the last three decades have deeply transformed contemporary citizenship regimes. In this context, citizenship rights, the practices which engage with them, and the task of understanding these bodies of rights, face, in our view, three general challenges: global markets, trans-national and sub-state phenomena, and human rights. In this short paper, we explore these dimensions using the heuristic device of the citizenship regime.

Keywords: Citizenship, Membership, Rights, Human Rights, Globalization.

1. Introduction

In the contemporary world, every claim, be it political, social, economic or private, is almost without exception founded on or justified by ‘rights’. We see ourselves by definition as rights-bearing individuals. The rhetoric of rights is thus ubiquitous, to the point where we see a blurring of the very definition of what rights may be, not to mention a blurring of the boundaries between different bundles of rights, their sources and the various institution-

* This paper represents a lightly revised version of a part of our introductory text for the anthology *Citizenship Rights*, ed. Jo Shaw and Igor Štiks (Ashgate, 2013).

al practices through which they are ‘enjoyed’ or asserted. More specifically, ‘human rights talk’ dominates our discourse to the extent that it seems almost impossible to talk about any types of rights without relating them somehow to human rights, which are in themselves a vast category differently interpreted around the globe. Against that background, it is very tricky to define the concept of *citizenship rights*. Are these to be seen only as the rights of *citizens*, or more broadly as the rights related to *citizenship* as a status? And if so, how do they differ from the universalistic category of *human* rights, or as some might have it, *fundamental* rights?

Citizenship seems to be inextricably associated with rights, although the scope of citizenship rights has evidently varied across time and space, not least as the definition of ‘citizen’ has ebbed and flowed. Our understanding of citizenship is still under the spell of Arendtian definition; citizenship as “the right to have rights”, expanded by US supreme court judge Earl Warren in another famous quote as “man’s basic right”, is frequently evoked in citizenship studies and general reflections on citizenship. In other words, citizenship is itself understood as a right, one of the fundamental human rights, that gives us access to other rights. Paradoxically, though, in human rights instruments worldwide this tends to appear more often in the negative sense of protection against statelessness, such as Article 15 of the 1948 Universal Declaration of Human Rights which recognises the right to *a* nationality (i.e. not a specific one) but focuses more on protection against arbitrary withdrawal than on the character of citizenship as a connection to a polity.

Although citizenship encompasses more than rights, rights figure prominently, and without exception, in all attempts to define citizenship and its constitutive components, which are often proposed as a trinity. For example, Christian Joppke¹ draws a distinction between citizenship as *status*, as *rights* and as *identity*. Antje Wiener² suggests the use of the categories of *rights*, *access* and *belonging* to express a similar endeavour to invest the notion of citizenship, understood as polity membership, with meaning. Rainer Bauböck’s triadic

1 Christian Joppke, “Transformation of Citizenship: Status, Rights, Identity”, *Citizenship Studies* 11. (2007): 37-48.

2 Antje Wiener, “Citizenship policy in a non-state. Implications for theory” (paper presented at the 2nd ECSA world conference on federalism, subsidiarity and democracy in the European Union, Brussels, May 1994).

division consists of *membership, rights and practices*.³ Richard Bellamy proposes a triad of citizenship as *rights, belonging and participation*.⁴ Finally, Seyla Benhabib⁵ offers a slightly different view by segmenting citizenship into collective *identity*, political *membership* and *social rights and claims*.

Noticeable in all these definitions is the absence of duties. Yet the historical citizenship contract involved an exchange: *rights* guaranteed by authorities (city-states, empires, states...) were counterbalanced with *duties* and *loyalty*. Citizenship, its political and social function, its meaning in the history of humanity, was determined by the dynamic between rights and duties. As if responding to the coming rise of rights-based movements and claims, a popular American president advised his fellow citizens not to ask “what your country can do for you” but instead to ask “what *you* can do for you country”. Historically, one of the main services that one could offer to one’s state was military duty. As recently as 1974 Raymond Aron, while referring to an anti-militaristic counter-culture, emphasises that “*le citoyen a la vocation de soldat*”, the citizen has the calling to be soldier.⁶ However, today in most of the high income countries, and indeed in many others, military service has become an experience remembered only by middle-aged and older people. In the present-day imagination and in theoretical reflections on citizenship, clearly influenced by the progressive withdrawal of conscription, the citizen’s main calling is to be a rights-bearer, and thus capable of claiming rights where such a formal assertion is needed, but certainly not to be one primarily subjected to duties. Nevertheless, one should not forget that there are still some important duties attached to citizenship status that define a ‘good’ citizen. They involve above all paying taxes and obeying laws, and in some

3 Rainer Bauböck, “Recombinant Citizenship”, in *Inclusions and Exclusions in European Societies*, ed. Martin Kohli and Alison Woodward (London: Routledge, 2001), 38-58.

4 Richard Bellamy, “Introduction: The Making of Modern Citizenship”, in *Lineages of European Citizenship: Rights, Belonging and Participation in Eleven Nation-States*, ed. Richard Bellamy et al. (London: Palgrave, 2004), 1-21.

5 Seyla Benhabib, “Citizens, Residents, and Aliens in a Changing World: Political Membership in the Global Era”, *Social Research*, 66. 3 (1999): 709-744.

6 Raymond Aron, “Une citoyenneté multinationale est-elle possible?”, *Commentaire* 56 (1991 [1974]): 704. See also Zygmunt Bauman, “Freedom From, In and Through the State: T.H. Marshall’s Trinity of Rights Revisited”, *Theoria* 52. 108 (2005): 13-27, 19.

countries, an additional duty may appear, such as a duty to vote or the duty to participate in jury trial processes. Moreover, despite the widespread disappearance of conscription in western liberal states, those same states still demand elements of loyalty and allegiance on the part of their citizens. This can be particularly pertinent for those who acquire citizenship after birth by naturalization, as migrants. But states such as the UK have in recent years enhanced their largely discretionary powers to strip even birthright citizenship from those deemed disloyal (e.g. because of association with terrorist activities), building on the longstanding power to remove citizenship from those who have obtained it fraudulently (e.g. by lying in order to obtain asylum status, which in turn led to citizenship status).

In order to understand how the different components of citizenship – including citizenship rights – actually interact with each other within a given social, political, economic and international context, we use the term *citizenship regime*. In our previous works we have defined citizenship regime as a workable analytical tool or heuristic device for understanding citizenship both generally and in certain specific regional circumstances.⁷ Citizenship regime as an analytical construct captures both the relational and the institutional elements of citizenship, and – as such – can offer a useful framework to help us understand citizenship rights, their expansion and depletion, their formal and substantial existence, as well as their uneven distribution in contemporary societies. Breaking it down further, a ‘citizenship regime’ comprises the citizenship laws, regulations and administrative practices regarding the citizenship status of individuals, including mechanisms of political participation. More precisely, a citizenship regime is based on a given country’s citizenship legislation defining the body of citizens (i.e. who is entitled to citizenship and all duties and rights attached to that status), on administrative policies in dealing with citizenship matters and the status of individuals (citizens and non-citizens alike), and, finally, on the official or non-official dynamic of political participation, inclusion and exclusion. As we argued in an earlier paper, “[t]he concept encompasses a range of different legal statuses, viewed in their wider political context, which are central to the exercise of civil rights, political membership and – in many cases – full socio-economic membership in a particular territory”.⁸ Citizenship regime also represents

7 Jo Shaw and Igor Štiks, “Citizenship in the new states of South Eastern Europe”, *Citizenship Studies* 16. 3-4 (2012): 309-321.

8 Jo Shaw and Igor Štiks, *The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia: An Introduction*, CITSEE

a useful analytical device for combining the two main ways in which the idea of citizenship is ‘coded’ with different articulations of the membership bond:⁹ ‘citizenship-as-legal-status’ and ‘citizenship-as-community-bond’.

The ‘regime’ concept aligns the study of citizenship with a broader literature from international relations which uses the concept of regime in order to capture patterns of behaviour,¹⁰ bringing together principles, rules, norms and decision-making procedures. But within the field of comparative politics, studying citizenship as a ‘regime’ adapts also an approach drawn from gender studies where scholars use the term ‘gender regimes’ in order to refer to the range of institutionalised practices relating to how gender issues are regulated in a given society, acknowledging that these differ from state to state.¹¹ Working across the fields of citizenship and gender studies, Jane Jenson has defined a ‘citizenship regime’ as “the institutional arrangements, rules and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens”.¹²

The link between the citizen and the state has many important dimensions that are both theoretically important for understanding citizenship as a membership status, and also practically important in terms of fixing what membership means at a particular time or in a particular place. In our view, the link encompasses not only the rules and processes governing the acquisition and loss of the status of full member (i.e. ‘citizen’ in the classic sense), but also various forms of external and internal ‘quasi-citizenship’ given to diaspora, kin state co-ethnics, or resident aliens. It also includes the rights and duties which are central to the exercise of different levels of polity-membership – with due regard to the use of, for example, territorial qualifications which

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- 9 Working Paper 2010/01 (Edinburgh: University of Edinburgh, 2010), 5.
Jürgen Habermas, “The European Nation-State: On the Past and Future of Sovereignty and Citizenship”, *Public Culture* 10. 2 (1998): 397-416, 404.
- 10 Stephen D. Krasner, “Structural causes and regime consequences: regimes as intervening variables”, *International Organization* 36 (1982): 185-205.
- 11 Sylvia Walby, “The European Union and Gender Equality: Emergent Varieties of Gender Regime”, *Social Politics* 11 (2004): 4-29.
- 12 Jane Jenson, “The European Union’s Citizenship Regime: Creating Norms and Building Practices”, *Comparative European Politics* 5. 1 (2007): 53-69.

2. The changing palette of citizenship rights

No discussion of citizenship rights should bypass T. H. Marshall and his ground-breaking 1949 lecture on *Citizenship and the Social Class* in which he divides citizenship according to a typology of three classes of right: *civic*, *political*, and *social*. These rights correspond to three distinct phases in the history of modern citizenship or, to be more precise, in England. In the 18th century, citizenship meant the introduction of *civic* rights, entailing individual freedom, the right to own property, and the right to justice. *Political* rights, as growing participation in the making or the work of government, would start to expand only a century later and the process would last until the 20th century. *Social* rights, including economic, educational, and social privileges, where the goal was to secure a more egalitarian national society, were acquired in the 20th century.¹³ The process was related to the development of capitalist societies and their expansion. Therefore, civic rights meant mostly economic rights and, at the global level, the rights of commerce or, in reality, the right of Europeans to travel, to engage with others (peacefully or forcefully) and to trade (under their own terms) with the rest of the world.¹⁴ The spread of political rights is directly related to emancipatory struggles from bourgeois revolutions to the incorporation of ‘dangerous classes’ of growing labouring masses into national citizenship in the times of world-wide imperialism of European nations.¹⁵ Finally, growing social-democratic, socialist and communist movements, especially the success of the October revolution in Russia, and the economic depressions and social conflicts in the West, would eventually result in the incorporation of social rights – including reductions in working hours, fair(er) wages, welfare benefits and accessible health care systems – into the bundle of rights guaranteed by citizenship status.

One should not forget that, until the twentieth century, enjoyment of citizenship rights, especially political rights, was reserved for a male minority

13 Thomas H. Marshall, “Citizenship and Social Class”, in *Citizenship and Social Class*, ed. Thomas H. Marshall and Tom Bottomore (London: Pluto Press, 1992[1950]), 10-14.

14 James Tully, “Two Meanings of Global Citizenship: Modern and Diverse”, in *Global Citizenship Education: Philosophy, Theory and Pedagogy*, ed. Michael A. Peters, Harry Blee & Alan Britton (Rotterdam: Sense Publications, 2008), 15-40.

15 Etienne Balibar, “Propositions on Citizenship”, *Ethics* 98. 4 (1988): 726-734.

may be implemented to restrict voting rights or some welfare rights. But that formal set of relationships also needs to be placed within the wider context of political contestation over the question of ‘who belongs?’ and ‘why?’, and of concrete struggles over the content and enjoyment of citizenship rights. In other words, the boundaries of polity membership are not just external, but internal as well. Formal possession of citizenship does not guarantee lifelong protection of a defined list of citizen’s rights – these may also depend upon territory, i.e. upon the place of residence. On the other hand, depending on circumstances, those without formal citizenship might still in practice enjoy certain citizenship rights as a result of their residence status. Thus both expansion and reduction of rights of citizens and non-citizens alike depend on the actual functioning of a citizenship regime, which is always a result of social and political struggles in a given place and in a given time. Finally, it is not just formal rules that define citizenship regimes, but also informal ideologies, narratives, beliefs and practices, which are often just as important.

A citizenship regime is also framed by key individual and collective rights protected by national and international human rights law, such as minority rights and non-discrimination rights which profoundly impact upon the exercise of full civic membership within a society and a polity, in particular the right to non-discrimination on grounds of race or ethnic origin, gender and religious affiliation. This is the case even where the exercise of these rights is not strictly limited by reference to citizenship status or where the source of the norm being invoked for protection is not to be found in the national constitution or legislation, but in international law. In other words, no citizenship regime is an island unto itself. It is influenced by other, often neighbouring citizenship regimes, and, conversely, in the age of intensive migrations and the proliferation of dual and multiple citizenship, every national citizenship regime necessarily extends beyond its own borders (and equally is permeated by other regimes).

In short, citizenship regimes are constituted, and thus conditioned, by specific legal set-ups that include not only citizenship laws, and international conventions and norms, but also laws and regulations on public activities. In this respect, citizens, at home or in flux, are determined in their actions by their status and attached rights as well as by legal straitjackets that condition the practice of citizenship. This influences their social and political struggles, but, on the other hand, it is only through these struggles – as the history of citizenship shows – that citizenship regimes change.

possessing a certain social-economic status. The twentieth century brought the effective political and social incorporation of vast populations on earth into full citizenship. Besides the incorporation of the working class into the suffrage, through the abolition of property qualifications and similar restrictions, the first half of the twentieth century brought finally, in waves and unevenly, political autonomy to women. The process of decolonization after the Second World War would eventually, by the 1970s, bring into effective citizenship substantial populations who were previously the subjects of colonial rule or simply ‘the wretched of the earth’.

The expansion of citizenship and social rights after the Second World War, during a period of unprecedented economic growth in many parts of the world, aimed at annulling or changing citizenship’s historic attributes: citizenship status as a privilege with the accompanying social inequality. Formally, with the process of decolonization completed, citizenship status as such for the majority of the world’s population ceased to represent a privilege. At one level, (almost) all could have a passport, although not all passports have proven to be equal. Moreover, unprecedented migrations soon turned many of those new citizens of freshly minted independent states into non-citizens in host countries of immigration, which more often than not happened also to be the former colonial centres. The struggle against inequality thus turned out to be a much more complex one. Marshall himself accused citizenship of being “the architect of legitimate social inequality”. Although citizenship is “a principle in equality”, it was not historically “in conflict [...] with the inequalities of capitalist society”.¹⁶

Around the same time, historic struggles against social inequality were also waged in the countries of ‘really existing’ or state socialism where not only social but properly speaking ‘socialist rights’ were the most prominent characteristic of citizenship. If social rights came in the context of the drive towards equality proclaimed by modern citizenship against inequality, socialist rights aimed at bridging this gap by annulling the detrimental logic of markets and replacing it with a different economic system that was supposed to ensure widest social equality. These rights proclaimed in socialist states across the globe went a step further than the welfare state and had finally mixed results (achievements and disappointments). Among other rights, they guaranteed full employment, a publicly funded education and health system, housing rights, and, as in Yugoslavia, workers’ self-management as social

16 Marshall, “Citizenship and Social Class”, 33.

ownership and workplace democracy. Both the West's social and the East's socialist rights would, however, come under renewed scrutiny during the 1970s and dramatically by the end of the 1980s.

At the beginning of the 1990s the state socialist regimes collapsed and with them disappeared almost all socialist rights previously enjoyed by their citizens. Their incorporation into the market economy structure was followed by one more surprise: one could now see the dissipation of the social rights that had been associated with the post-war Western democracies and their welfare states. A set of economic and social policies that became known as 'neo-liberalism' took root from the late 1970s onwards¹⁷ signalling, historically speaking, the end of a short period of maybe three decades during which social rights were seen as the constitutive part of citizenship rights. Since this period the welfare state has been in a steady decline along with a certain egalitarian vision of modern societies and citizenship. Around the same time we witnessed the rise of cultural or group rights as well as the shift from distribution to recognition.¹⁸ This latter move is crucial for understanding citizenship when it is coupled with rights-based rhetoric and mobilizations. Citizenship policies also changed under the pressure of migration and growing cultural diversity that unleashed a variety of accommodating and sometimes resisting responses. As Joppke¹⁹ concludes, liberalized access to citizenship was coupled with the reduction of social rights for all. At the same time, the recognition of minority rights was one important element helping to transform the identity dimension of citizenship while at the same time triggering the response from the state towards integrationist and restrictive approaches for newcomers. But of course, identity politics goes beyond the sphere of multiculturalism, and also encompasses the recognition of a citizenship dimension to the politics of gender, sexuality and sexual preference.

A rather simplistic belief in the constant enlargement of citizenship rights in liberal democracies made many perceive the cultural and identity rights as yet another historic layer of citizenship rights. What is at stake today, however, is a new dynamic between these different bundles of rights in the face of new realities at a global scale that over the last three decades have deeply

17 David Harvey, *A Brief History of Neoliberalism* (Oxford and New York: Oxford University Press, 2005).

18 Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age", *New Left Review* 1. 212 (1995): 68-93.

19 Joppke, "Transformation of Citizenship", 37-48.

transformed contemporary citizenship regimes. In this context, citizenship rights, the practices which engage with them, and the task of understanding these bodies of rights, face, in our view, three general challenges: global markets, trans-national and sub-state phenomena, and human rights.

3. Transformation of citizenship rights: contemporary challenges

Policies and practices of citizenship are conditioned by economic and especially financial flows more than ever before. For Somers, our age is marked by

conflicts over the balance of power among the institutions, practices and discourses of states, markets, and civil societies. Whether these conflicts result in regimes of relatively democratic socially inclusive citizenship rights or regimes of social exclusion and statelessness largely depends on the ability of civil society, the public sphere, and the social state to exert countervailing force against the corrosive effects of market-driven governance.²⁰

The contemporary landscape therefore reveals deep inequalities, new cosmopolitan elites and new cosmopolitan underdogs.

[T]he “ruling class” of modern society, with its internal hierarchies, is multilingual, multicultural, and migratory [...] The national passport has changed its meaning (at least for the dominant nationalities); it no longer expresses (except no doubt in the United States) allegiance to an autonomous power, but, rather, a conditional right of access to “cosmopolis” of communications and modern financial transactions.²¹

The trend expressed here by Etienne Balibar at the end of the 1980s only grew in importance with neo-liberal expansion and the globalization of capital transactions and production. “Mutations in citizenship” are precisely its disarticulation and deterritorialization brought about by markets, new technologies and population shifts.²² The world might be seen not only as divided into

20 Margaret R. Somers, *Genealogies of Citizenship: Markets, Statelessness and the Right to Have Rights* (Cambridge: Cambridge University Press, 2008), 1.

21 Balibar, “Propositions on Citizenship”, 729.

22 Aihwa Ong, “Mutations in citizenship”, *Theory, Culture & Society* 23. 2-3 (2006): 499–505.

states but *zones* of economic growth and decay, often, such as in big cities, coexisting next to each other in dramatic contrasts of wealth and misery. We hear these days many voices, from those of the ‘*indignados*’ and ‘*occupy*’ movements to those of scholars, denouncing the impact of markets on equality and the rights of citizens. For Margaret Somers, market fundamentalism has been undermining democratic society, especially in the US, by creating a vast amount of *de facto* excluded rightless people: “three decades of what has become market-driven governance are transforming growing numbers of once rights-bearing citizens into socially excluded internally rightless and stateless persons”.²³ Faced with ruthless markets – and especially their crash in 2008 – and all of the consequences of global economic troubles, Somers is not the only one to advocate the right to social inclusion as a basic citizenship right.

The privileged site of modern citizenship (the nation-state) appears too weak to ensure citizenship rights for its citizens, to effectively guarantee protection (including social protection), and thus to require loyalty in return or the full respect of duties. Modern citizenship has been indeed transformed by the process of globalization translated as the unhindered dominance of capital and political power (financial centres, multi-national companies and some rising and some declining states). An unprecedented challenge came in the form of supranational regional market integration in Europe, followed in 1993 by the introduction of a form of European citizenship (“citizenship of the European Union”) which essentially only confers rights, even though the texts also refer to duties. However, the extent to which this new legal status adds to citizenship rights conventionally defined remains a contested question. As a (complementary?) movement to supranational processes of integration, we witness constant fragmentation at subnational level where substate units – through seeking more autonomy or even independence – are trying to assure for themselves (or their elites) a better bargaining position (direct control of resources or capital and human flows) *vis-à-vis* global markets.

All these movements create multiple and often competing sites of sovereignty and destabilize or shatter existing political communities by inducing processes of (sometimes violent) reconfiguration. The rise of cultural rights and recognition politics, and with them the prominence of the right to self-determination and often territorial self-governance, provide a basis for what appear today as legitimate political demands grounded in collectivistic identities, mostly ethnic, linguistic or sectarian / religious ones. Contemporary

23 Somers, *Genealogies of Citizenship*, 2.

citizenship regimes are constituted or refigured in relation to internal fragmentations or disintegrations as we can witness in the Balkans, the Middle East, the Caucasus and Africa but equally in the constitutional monarchies of Western Europe such as Spain, Belgium and the UK where political devolution and the drive towards autonomy and independence influence citizenship practices and political visions, stripping bare the essence of compound or union states and putting in question their legitimacy.

The displacement of sovereignty and constant re-composition of political communities are challenging the *territoriality* of citizenship regimes. After all, the question is: *where* are the rights granted and protected, and by whom, and *where* are they enjoyed, and by whom? Global migrations have changed the relationship between modern states and their citizens; they cannot count on each other ‘from the cradle to the grave’, so to speak, because almost nowhere can one find the Rawlsian imaginary closed society to which the entry is “only by birth and exit from it is only by death”.²⁴ It is not only that people move (citizens leaving to other places where they become newcomers while at the same time at home someone else is a newcomer), but then even if they remain firmly grounded in their places of birth until the end of their days, a vast majority can expect to live under changing citizenship regimes and authorities.

As a result of migrating populations or identity-based politics, political communities become increasingly overlapping in particular as regards their respective citizenship regimes. This complicates the range of citizenship rights and their beneficiaries; they, or some portion of them, are often enjoyed, apart from resident citizens, by non-citizen residents, non-resident citizens, and even (usually in cases of ethnic diasporic solidarity) by non-citizens who are also non-residents. Naturally, migration flows result in a proliferation of partial citizenship for migrants,²⁵ dual or even multiple citizenship and diasporic communities. All of this leads to progressive decoupling of membership, belonging, identity and rights²⁶ or, rather, to their complex combi-

24 John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1996), xlv.

25 Rainer Bauböck, “Temporary migrants, partial citizenship and hypermigration”, *Critical Review of International Social and Political Philosophy* 14. 5 (2011): 665-693.

26 Yasemin N. Soysal, “Citizenship and identity: living in diasporas in post-war Europe”, *Ethnic and Racial Studies* 23. 1 (2000): 1-15.

nations. Blurred borders of citizenship regimes suggest that, irrespective of what is found to be normatively acceptable according to certain conceptions of justice, we will continue to live in a world of multiple statuses, identities and loyalties and vacillating rights, duties and responsibilities.

Human rights and international norms, as well as their use in political and social struggles, are surely yet another specific challenge for modern citizenship rights. To what point are human rights and citizenship rights compatible? What should have precedence? Can human rights replace citizenship rights in such a diverse world as ours? Should we, as suggested by Tom Bottomore, “examine civil, political and social rights in the framework of a conception of general human rights, rather than citizenship”?²⁷ It is difficult to imagine that scenario. The historical and present destiny of the stateless shows that human rights are reduced to their basics in humanitarian interventions or to nothing at all in instances of extreme violence, if one is left without “man’s basic right”, namely citizenship of one of the world’s internationally recognized political entities. From Auschwitz and recent concentration camps in Bosnia to the challenges currently facing refugees in the Mediterranean, in Syria and elsewhere, we can see individuals whose status is questioned because there is no state to which they belong or can prove to belong, because they were stripped of their citizenship, or their states are not recognized internationally or internally as legitimate protecting entities. Universalistic claims of human rights clash with particularities of citizenship or the sovereignty claims of various collectivities and groups for self-determination,²⁸ while at the same time they provide ground for legitimacy of these claims, which are by their nature exclusionary. On the other hand, it is equally difficult for us to imagine – or if we can imagine, we certainly cannot accept – citizenship rights as arbitrarily decided by each sovereign state with no reference to human rights and basic international norms.

Yasemin Soysal argues, over-optimistically it seems, that we are witness to “a new and more universal concept of citizenship [that] has unfolded in the post-war era, one whose organizing and legitimating principles are based on universal personhood rather than national belonging”.²⁹ In the post-war

27 Tom Bottomore, “Citizenship and Social Class, Forty Years on”, in *Citizenship and Social Class*, ed. Thomas. H. Marshall and Tom Bottomore (London: Pluto Press, 1992), 91.

28 Benhabib, “Citizens, Residents, and Aliens”, 710.

29 Yasemin N. Soysal, *Limits of Citizenship: Migrants and Postnational*

period, human rights are a global organizing principle, Soysal maintains, and the existence of a transnational community, international conventions and codes transcend the nation-state and confer rights to individual regardless of citizenship. Indeed, some citizenship rights, especially for residents, are not conditioned by acquisition of citizenship. Nevertheless, in spite of the rights and privileges enjoyed by legal long term residents – sometimes termed denizens – only citizenship can secure complete integration into a political community and the enjoyment of the full range of rights and protections, especially political rights and protection against deportation (although those who remain dual citizens are still vulnerable to exclusion, which can come from the unilateral withdrawal of citizenship from those deemed a threat to the public). It is not surprising, then, that migrants and residents usually aspire to become citizens, even as it becomes harder in many contexts to gain permanent residence or settlement in the host state. This can be explained by the ineffectiveness of rights based on universal personhood, not least because there is no effective authority which can ensure that they are enforced. However, at least within the European political space under the European Union and the European Convention of Human Rights and to a lesser extent under other jurisdictions such as the Inter-American human rights regimes, human rights norms and international conventions do none the less interfere with, exercise some influence upon and offer some prospect of harmonization between citizenship regimes and the rights they offer to their citizens or residents within their jurisdiction. This is despite the fact that the right to be a citizen is not generally recognized in these instruments in those terms. In that context, courts have become central institutions for the protection of these rights, often challenging the legitimacy of national legislative choices to restrict rights for non-citizens. Equally, the legitimacy of such judicial interventions has come under challenge from those arguing in favour of legislative sovereignty in relation to the disposition of citizenship rights. In fact, structures of legal rights, whether enshrined in legislation or judicially enforced, can and often do protect not only legal non-citizen residents, but also irregular immigrants, or ‘*sans papiers*’, a group who used to receive the benefit of periodic regularisations under national law, but who are increasingly pushed right to the margins of society as immigration regimes incorporate ever harder boundaries and ever stricter conditions of entry.

Membership in Europe (Chicago and London: The University of Chicago Press, 1994), 1.

4. Citizenship rights struggles today

Struggles for citizenship rights are always struggles for equality. The citizenship dialectic between the promise of equality and its historical record of inequality is where all citizenship struggles, translated mostly as struggles for rights and hardly ever for duties, find their breeding ground. These struggles are based on an understanding of citizenship rather as “the right to claim rights” than merely “the right to have rights”.³⁰ These contemporary struggles can be generally divided into three groups: struggles against depletions of citizenship rights, struggles for access to citizenship rights (by citizens and non-citizens alike), and struggles for the recognition of new citizenship rights.

Before describing concrete demands, we should mention two contemporary depletions related to citizenship rights that form the context for various struggles. One can observe a steady depletion of existing citizenship rights. Reduced access to public services and social provisions – that are not seen, as we observed above, as part of basic citizenship rights anymore – is coupled with privatizations and enclosures of public and common space and resources as well as with the increased securitization of public and private life, limits to personal freedoms and freedom of movement. On the other hand, there is a reduction of access to citizenship for residents (longer periods of permanent residence, citizenship and integration tests, strict rules on probity [e.g. absolute exclusion of those carrying criminal convictions however minor and however old], probationary citizenship concepts, and very high financial costs etc.) and to temporary or permanent resident status for masses of illegal migrants (criminalization of migrations is a common feature of government policies).

A quick look over a vast array of demands reveals the contestation mostly over the following (non-exhaustive) aspects of citizenship regimes: democratic rights and freedoms, social rights, health, urban conditions, human security, education, economic rights such as decent living and distribution of wealth, the commons, including digital commons, ecological rights, access to natural resources and energy, sexual rights, and gender equality. Depending on claims and demands, these struggles necessarily have different “scales” – ranging from local, regional, national, continental and global – but due to

30 Engin F. Isin, “Citizenship in Flux: The Figure of the Activist Citizen”, *Subjectivity* 29 (2009): 371.

mutual dependence some of these demands must be put on the agenda across all these levels. We might be able to address locally the use of local natural sources as well as the social and political life of smaller communities. However, a regional approach would be needed for larger communities. Furthermore, certain groups in authority – typically residing at the state level – will claim the monopoly on violent and coercive means to enforce and protect certain fundamental rights where this is deemed necessary. It is today still the state level at which we address most of our social, health, educational, and economic claims as well as those related to management of resources such as waters, land, minerals or oil. Partly this is to do with the territory of the (receding) welfare state, which is based on state-level segmented tax territories, and partly this is to do with how international law privileges states as actors. However, in a globalised world, fundamental economic policies can rarely be decided upon solely at the national level; global action – where there is no single final arbiter and where democratic legitimacy may be questionable – is needed when it comes to ecological rights, rights to health protection in the cases of epidemics, sustainability of the earth's natural resources or facing up to climate-related changes. The question is also whether, under current conditions, some rights, traditionally associated with local or state power, such as the rights of urban citizens, can actually be realised solely within the state framework any longer, especially in those cosmopolitan metropolises which also serve as the hubs of global economy.

Common to all these levels are the rights related to gender equality and sexuality that have been traditionally placed on the public / private borderline. The struggle for gender equality and rights remains high on the agenda of emancipatory movements across the globe. In spite of formal political equality (which is not the global rule), many social and economic practices push women outside political and social arenas, especially in the so-called third or developing world. More subtle types of discrimination are at work in the democratic societies where women are still less paid and are at the same time under pressure of both professional and household work. Their formal political and social equality cannot be disconnected from their economic status and general problems related to the impact of the global capitalist economy on gender relations.³¹

31 See Nancy Fraser, "Feminism. Capitalism and the Cunning of History", *New Left Review* 56 (Mar/Apr 2009): 97-118; Carole Pateman, "Democratizing Citizenship: Some Advantages of a Basic Income", *Politics & Society* 32. 1 (2004): 89-105; Saskia Sassen,

Struggles over citizenship rights bring to the fore new actors who are lending a different meaning to what it is to be a ‘global citizen’. Global activism such as for instance that related to the World Social Forum process or the emergence of the new movements centered on social justice and democratization of both authoritarian and current liberal democratic regimes represent what Tully calls global “diverse citizenship”. In contradistinction to the idea of modern citizenship as a codified status which successfully conceals the hierarchies with it, the limited extent of democratic rights and global relationships of subordination, the ideas of global active citizenship and civic practices are a counter-weight to the domestic and international law limitations on exercising democratic citizenship.³² The figure of the “activist citizen”, as opposed to the active citizen, is evoked as the one that makes a difference and creates a new space for citizenship.³³ New technologies gave rise to new types of social and political mobilizations whose various demands and claims will inevitably challenge the current status quo of citizenship rights.

One ‘space’ in particular has been historically related to the origins and history of citizenship. Cities are the main site of citizenship, where the formation of political subjectivities capable of making claims takes place. The “global city” (Sassen) or “global assemblages” (Ong) are those nodal points of contemporary citizenship. Although in terms of citizenship and residence rights still governed by the states, these entities, by the virtue of their economic activities, social stratification, cosmopolitan culture, multilingualism and artistic production, represent a huge challenge to a national citizenship and national political communities based on the assumption of a fixed set of shared identity and values. Cities are also places of concentration of wealth and of enormous inequalities, which creates an explosive dynamics between exclusion and inclusions, and outbursts of violence. The relationship between citizens and the urban environment in which they spend most of their lives thus turns out to be crucial for the enjoyment of citizenship rights and entitlements. Should we then include within the body of citizenship rights, or even human rights, “the right to the city”, as suggested by David Harvey?³⁴

“The Repositioning of Citizenship: Emergent Subjects and Spaces for Politics”, *Berkeley Journal of Sociology* 46 (2002): 4-25.

32 Tully, “Two Meanings of Global Citizenship: Modern and Diverse”, 33-37.

33 Isin, “Citizenship in Flux”, 381.

34 David Harvey, “The Right to the City”, *New Left Review* 53 (Sept/Oct 2008): 23-40.

The right to decent urban living, equal distribution and participation seems crucial for human and social development and thus cannot be separated from the ways people enact their citizenship, express claims and enjoy rights in the contemporary world.

5. Concluding words

The category of ‘citizenship rights’ receives surprisingly little focused attention within current scholarship. Studies of citizenship and the rights attaching to the status tend to be either highly synoptic in character – hovering like a helicopter above a huge field of law and politics – or rather fragmentary in approach, focusing on narrow and specific issues, or operating with the many and varied prefixes to citizenship which often obfuscate as much as they clarify: ‘sexual citizenship’, ‘green citizenship’, ‘global citizenship’, and so on. In this short contribution, we have sought to review some of the key literatures and to set these against a heuristic device of the regime, used to capture many of citizenship’s institutional and relational characteristics.

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